

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF INDIANA**

<p>D. G. Sweigert, Plaintiff</p> <p style="text-align: center;">-against-</p> <p>Jason Goodman, 21st Century 3D CrowdSource The Truth PATREON, INC. <i>A Delaware Corporation</i> Defendants</p>	<p style="text-align: center;">PRO SE</p> <p style="text-align: center;">1:23-cv-01228-JRS-MG</p> <p style="text-align: center;">Judge James R. Sweeney II</p> <p style="text-align: center;">Magistrate Judge Mario Garcia</p> <div style="border: 2px solid red; padding: 10px; text-align: center; margin-top: 20px;"><p style="color: red; font-weight: bold; font-size: 1.2em;">FILED</p><p style="color: black; font-weight: bold;">01/20/2024</p><p style="color: blue; font-size: 0.8em;">U.S. DISTRICT COURT SOUTHERN DISTRICT OF INDIANA Roger A.G. Sharpe, Clerk</p></div>
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NOTICE OF APPEAL TO THE U.S.
COURT OF APPEALS FOR THE SEVENTH CIRCUIT

Pursuant to *Dzikunoo v. McGaw YMCA*, 39 F.3d 166 (7th Cir. 1994) the *pro se* Plaintiff files an appeal of the decision entered on 1/19/2024 known as ECF no. 45.

Signed January 19, 2024 (1/19/2024)



D. G. SWEIGERT PRO SE PLAINTIFF, C/O
PMB 13339, 514 Americas Way,
Box Elder, SD 57719

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

D.G. SWEIGERT,)	
)	
Plaintiff,)	
)	
v.)	No. 1:23-cv-01228-JRS-MG
)	
JASON GOODMAN,)	
21ST CENTURY 3D,)	
CROWDSOURCE THE TRUTH,)	
PATREON, INC. A Delaware Corporation,)	
)	
Defendants.)	

Order on Various Motions

I. Introduction

"This action is between two *pro se* litigants who spend a great deal of time accusing one another of criminal conduct and other misbehavior on the internet." *Sweigert v. Goodman*, No. 18-CV-8653 (VEC), 2022 WL 168080, at *1 (S.D.N.Y. Jan. 19, 2022) (noting Parties' habit of filing "frivolous motions"). *See also Sweigert v. Goodman*, No. 23-CV-5875 (JGK), 2023 WL 6720322, at *1 (S.D.N.Y. Oct. 12, 2023) (mutual allegations of internet conspiracies); *Sweigert v. Cable News Network, Inc.*, No. 20-CV-12933, 2022 WL 842322, at *1 (E.D. Mich. Mar. 21, 2022) (Sweigert alleges defamatory conspiracy by CNN in which Goodman attempts to intervene); *Goodman v. Bouzy*, No. 21-CIV-10878-AT-JLC, 2023 WL 4235851, at *1 (S.D.N.Y. June 28, 2023) (Goodman alleges defamatory internet conspiracy by Sweigert and others). Sweigert and Goodman have now brought their fight to this Court. The gist of Sweigert's 41-page amended complaint with exhibits, (ECF No. 13), appears to be

that Swegiert resents Goodman's use of Sweigert's father's image to run a parody Twitter account, and perhaps to drum up support for a conspiracy-theory Patreon. (*See generally* Amd. Compl., ECF No. 13.) Now before the Court are Goodman's Motion to Stay Proceedings, (ECF No. 18), and four Motions for Judicial Notice, (ECF Nos. 21, 28, 30, 42), from both Parties.

II. Discussion

The Court will be brief. Neither the Amended Complaint, (ECF No. 13), nor, for that matter, any of the Parties' subsequent filings, comply with federal pleading rules, which call for a "short and plain" statement of claims, Fed. R. Civ. P. 8(a), and a "simple, concise, and direct" framing of allegations, Fed. R. Civ. P. 8(d). With each filing litigants swear, under threat of sanction, that their purpose is not to harass and that their legal and factual contentions are not frivolous. Fed. R. Civ. 11. This Court has no jurisdiction over nonsense. *Ngola Mbandi v. Pangea Ventures LLC*, No. 22-3254, 2023 WL 4486703, at *2 (7th Cir. July 12, 2023). The federal courts have "better things to do." *Stanard v. Nygren*, 658 F.3d 792, 798 (7th Cir. 2011) (quoting *United States ex rel. Garst v. Lockheed-Martin Corp.*, 328 F.3d 374, 378 (7th Cir.2003)).

Form aside, there are other problems with this Court's subject-matter jurisdiction. Sweigert invokes the Federal Trade Commission Act and the Lanham Act as grounds for federal-question jurisdiction under 28 U.S.C. § 1331. But "there is no private right of action under the [Federal Trade Commission] Act," *Fed. Trade Comm'n v. Walmart Inc.*, No. 22 CV 3372, 2023 WL 2646741, at *16 (N.D. Ill. Mar. 27, 2023) (collecting

authorities), and the Lanham Act's cause of action is available to commercial competitors, not to consumers, *POM Wonderful LLC v. Coca-Cola Co.*, 573 U.S. 102, 108 (2014). "Litigants who simply cite federal statutes and say that their claims arise under federal law do not conjure federal-question jurisdiction under 28 U.S.C. § 1331." *Mbandi*, 2023 WL 4486703, at *2.

Likewise with diversity jurisdiction: Sweigert alleges "at least \$75,001.00 in damages," (Amd. Compl. 4, ECF No. 13), to satisfy the amount in controversy requirement of 28 U.S.C. § 1332. But a mere allegation of the amount in controversy is not enough to assure this Court of jurisdiction when it has reason to doubt that the allegation is made in good faith. *Sykes v. Cook Inc.*, 72 F.4th 195, 206 (7th Cir. 2023). How can an obscure internet squabble amount to \$75,000 in damages?

Finally, there is the problem of venue. Sweigert, at the time of filing, had an Indiana address (which Goodman alleges was fraudulent), but now apparently resides in South Dakota. Goodman appears to reside in New York. The allegations concern internet trolling. What is this case doing in Indiana? Goodman seems to request that this case be transferred to New York for consolidation with one of the ongoing cases there, *Sweigert v. Goodman*, No. 23-CV-5875, (M. to Stay 18, ECF No. 18), where, the Court notes, one or both Parties may already be under sanction. The Court has broad power to transfer cases to districts in which they more properly belong. 28 U.S.C. § 1404; *In re Ryze Claims Sols., LLC*, 968 F.3d 701, 706 n.5 (7th Cir. 2020). It seems that getting this case under the supervision of the New York

judge or judges, who have more experience with the Parties' litigation history, could well be warranted.

III. Conclusion

The existing motions, (ECF Nos. 18, 21, 28, 30, and 42), are **denied**, except insofar as the Court takes judicial notice of the Parties' litigation history in other courts. Fed. R. Evid. 201(b)(2), 201(c)(1) and (2); *Gen. Elec. Cap. Corp. v. Lease Resol. Corp.*, 128 F.3d 1074, 1081 (7th Cir. 1997) (notice of court records is quintessential example of appropriate judicial notice).

The operative Amended Complaint, (ECF No. 13), is **dismissed without prejudice** for failure to comply with Rule 8. Fed. R. Civ. P. 8(a).

That makes the Magistrate Judge's Order extending Patreon's Answer deadline, (ECF No. 40), **moot**, because there is now no Complaint to be answered.

The Court will give the Parties a chance to begin again.

Sweigert is given until **4:00 p.m. Friday, February 02, 2024**, to file a motion titled "Motion for Leave to File Second Amended Complaint." That Motion should contain only:

1. In the body of the Motion, in no more than **ten (10)** pages:
 - a. A statement for or against transfer of this case to the Southern District of New York, and
 - b. A proffer of jurisdictional facts on the amount in controversy; and

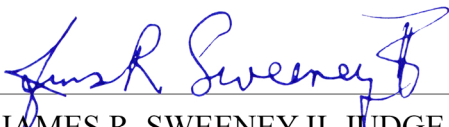
2. Attached to the Motion, in no more than **ten (10) pages**, a proposed Second Amended Complaint that complies with all applicable federal pleading standards.

Goodman shall have until **4:00 p.m. Friday, February 16, 2024**, to file a response, of no more than **ten (10) pages**, to the reasons for or against transfer and to the proffer of jurisdictional facts.

If Sweigert chooses not to file a Motion, the case may be dismissed without further notice. If the Parties' filings do not comply with the Court's instructions here, and with all applicable local rules, practices and procedures, and pleading standards, the filings may be stricken, and the case may be dismissed without further notice. If, on review, the Proposed Second Amended Complaint fails to correct the deficiencies identified in this Order, the Motion for Leave to File it may be denied and the case dismissed without further notice. The Court may also transfer the case without further notice.

SO ORDERED.

Date: 01/19/2024



JAMES R. SWEENEY II, JUDGE
United States District Court
Southern District of Indiana

Distribution:

Magistrate Judge Garcia

By CM/ECF to counsel of record.

By U.S. Mail to:

D.G. SWEIGERT
514 Americas Way
Box Elder, SD 57719

JASON GOODMAN
252 7th Avenue Apt 6s
New York, NY 10001

*** PUBLIC DOCKET ***

APPEAL,NOD

U.S. District Court
Southern District of Indiana (Indianapolis)
CIVIL DOCKET FOR CASE #: 1:23-cv-01228-JRS-MG

SWEIGERT v. GOODMAN et al
Assigned to: Judge James R. Sweeney II
Referred to: Magistrate Judge Mario Garcia
Cause: 28:1332 Diversity-Libel,Assault,Slander

Date Filed: 07/12/2023
Jury Demand: Plaintiff
Nature of Suit: 320 Assault Libel & Slander
Jurisdiction: Federal Question

Plaintiff

D.G. SWEIGERT

represented by D.G. SWEIGERT
514 Americas Way
Box Elder, SD 57719
PRO SE

V.

Defendant

JASON GOODMAN

represented by JASON GOODMAN
252 7th Avenue Apt 6s
New York, NY 10001
PRO SE

Defendant

21ST CENTURY 3D

represented by 21ST CENTURY 3D
.
PRO SE

Defendant

CROWDSOURCE THE TRUTH

represented by CROWDSOURCE THE TRUTH
.
PRO SE

Defendant

PATREON, INC.
A Delaware Corporation

represented by Tyler Mitchell Layton
Patreon, Inc.
600 Townsend St.
Ste 500
San Francisco, CA 94103
415-539-5886
Email: tyler@patreon.com
PRO HAC VICE
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
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07/12/2023	1	COMPLAINT against 21ST CENTURY 3D, CROWDSOURCE THE TRUTH, JASON GOODMAN, filed by D.G. SWEIGERT. (No fee paid with this filing) (CCG) (Entered: 07/13/2023)
07/13/2023	2	MAGISTRATE JUDGE's NOTICE of Availability to Exercise Jurisdiction issued. (CCG) (Entered: 07/13/2023)
07/13/2023	3	Notice to File Rule 7.1 Disclosure Statement. (RAGS) (CCG) (Entered: 07/13/2023)
08/05/2023	4	NOTICE of Change of Address for D.G. SWEIGERT. Address updated from 514 Americas Way Box Elder, SD 57719 to 1522 Vance Avenue, Fort Wayne, Indiana 46805. (JSR) (Entered: 08/07/2023)
08/31/2023	5	NOTICE to Pro se Litigant - The following information is provided to pro se litigants to inform them about rules and procedures governing how they communicate with the Court. (Copy mailed to Plaintiff.) (LBT) (Entered: 08/31/2023)
09/10/2023	6	Supplemental Complaint Evidence aka Request for Judicial Notice, filed by Plaintiff D.G. SWEIGERT. (Attachments: # 1 Exhibits) (JSR) (Entered: 09/11/2023)
09/27/2023	7	NOTICE OF DEFICIENCY - Your complaint has been received. You shall have through October 27, 2023 in which to either pay the \$402 filing fee for this action or demonstrate that you lack the financial ability to do so by filing a motion for leave to proceed without the prepayment of the filing fee (in forma pauperis). A form motion for leave to proceed without the prepayment of the filing fee is being provided for your use. Failure to correct the deficiency may subject the case to dismissal for failure to prosecute. (Attachments: # 1 Motion to Proceed In Forma Pauperis Form) Copies to Plaintiff via US mail. (JSR) (Entered: 09/27/2023)
10/01/2023	8	NOTICE of Change of Address for D.G. SWEIGERT from 1522 Vance Ave, Fort Wayne IN 46805 to 514 Americas Way, Box Elder SD 57719. (LF) (Entered: 10/03/2023)
10/13/2023	9	Mail Returned as undeliverable. 7 Notice of Deficiency sent to D.G. SWEIGERT. (CKM) (Entered: 10/16/2023)
10/17/2023	10	Order Extending Deadline - Plaintiff provided notice of a change of address. In the interest of justice, the Court extends the deadline for Plaintiff to either pay the \$402 filing fee or demonstrate a financial inability to do so until November 13, 2023. The Clerk shall send Plaintiff a copy of the Notice of Deficiency, (ECF No. 7), and the attached form request to proceed without prepaying the filing fee along with this Order. SEE ORDER. Copy sent to Plaintiff via US Mail. Signed by Judge James R. Sweeney II on 10/17/2023. (Attachments: # 1 Motion to Proceed In Forma Pauperis Form, # 2 7)(JRB) (Entered: 10/18/2023)
11/09/2023	11	RECEIPT #7715 for filing fee in the amount of \$402.00, paid by D.G. SWEIGERT. (DJH) (Entered: 11/09/2023)
11/09/2023	12	Letter from D.G. SWEIGERT received with payment. (Attachments: # 1 Envelope) (KAA) (Entered: 11/13/2023)
11/11/2023	13	AMENDED COMPLAINT against 21ST CENTURY 3D, CROWDSOURCE THE TRUTH, JASON GOODMAN, PATREON, INC., filed by D.G. SWEIGERT. (Attachments: # 1 Exhibits)(KAA) (Entered: 11/13/2023)
11/18/2023	14	Submission of Proposed Summons, filed by Plaintiff D.G. SWEIGERT. (LF) Modified on 11/21/2023 (LF). (Entered: 11/21/2023)
11/18/2023	15	Submission of Proposed Summons, filed by Plaintiff D.G. SWEIGERT. (LF) (Entered: 11/21/2023)
11/22/2023	16	Summonses Issued as to JASON GOODMAN, PATREON, INC.. (TPS) (Entered: 11/22/2023)
11/22/2023	17	NOTICE OF Motion to Stay Proceedings, filed by Defendant, Jason Goodman (DWH) Modified on 11/22/2023 to correct filer (DWH). (Entered: 11/22/2023)

11/22/2023	18	MOTION (Memorandum) to Stay Proceedings, filed by Defendant Jason Goodman. (DWH) Modified on 11/22/2023 to correct filer (DWH). (Entered: 11/22/2023)
11/22/2023	19	CERTIFICATE OF SERVICE by JASON GOODMAN. (DWH) (Entered: 11/22/2023)
11/22/2023	20	CERTIFICATE OF SERVICE upon JASON GOODMAN by D.G. SWEIGERT. (JSR) (Entered: 11/27/2023)
11/23/2023	21	MOTION for Judicial Notice, filed by Plaintiff D.G. SWEIGERT. (Attachments: # 1 Exhibits) (JSR) (Entered: 11/27/2023)
11/27/2023	22	RESPONSE in Opposition re 18 MOTION to Stay, filed by Plaintiff D.G. SWEIGERT. (JSR) (Entered: 11/27/2023)
11/27/2023	23	EXHIBITS in Support re 22 Response in Opposition to Motion by D.G. SWEIGERT. (JSR) (Entered: 11/27/2023)
11/27/2023	24	CERTIFICATE OF SERVICE by D.G. SWEIGERT re 21 MOTION, 22 Response in Opposition to Motion, 23 Exhibit (JSR) (Entered: 11/27/2023)
11/28/2023	25	BRIEF/MEMORANDUM in Support re 22 Response in Opposition to Motion, filed by Plaintiff D.G. SWEIGERT. (AAS) (Entered: 11/28/2023)
11/28/2023	26	Submission of Certificate of Service Regarding Brief in Support of Response Dkt. 22 , filed by Plaintiff D.G. SWEIGERT. (AAS) (Entered: 11/28/2023)
11/28/2023	27	Submission of Proof of Service, filed by Plaintiff D.G. SWEIGERT. (LF) (Entered: 11/29/2023)
11/30/2023	28	Second MOTION for Judicial Notice, filed by Plaintiff D.G. SWEIGERT. (JRB) (Entered: 11/30/2023)
11/30/2023	29	CERTIFICATE OF SERVICE to 28 Second Motion for Judicial Notice by D.G. SWEIGERT (JRB) (Entered: 11/30/2023)
12/04/2023	30	MOTION Request for Judicial Notice, filed by Defendant Jason Goodman. (Attachments: # 1 Exhibits)(DWH) Modified to correct filing party on 12/7/2023 (JRT). (Entered: 12/06/2023)
12/06/2023	32	RESPONSE in Opposition re 30 MOTION Request for Judicial Notice, filed by Plaintiff D.G. SWEIGERT. (LBT) (Entered: 12/07/2023)
12/06/2023	33	CERTIFICATE OF SERVICE by D.G. SWEIGERT re 32 Response in Opposition to Motion. (LBT) (Entered: 12/07/2023)
12/07/2023	31	MOTION for Attorney(s) Tyler M. Layton to Appear pro hac vice (Filing fee \$100, receipt number BINSDC-7934257), filed by Defendant PATREON, INC.. (Layton, Tyler) Modified on 12/7/2023 - corrected spelling of name (RSF). (Entered: 12/07/2023)
12/07/2023	34	ADDITIONAL RESPONSE in Opposition re 30 MOTION Request for Judicial Notice, filed by Plaintiff D.G. SWEIGERT. (SWM) (Entered: 12/08/2023)
12/07/2023	35	CERTIFICATE OF SERVICE by D.G. SWEIGERT re 34 Response in Opposition to Motion Request for Judicial Notice, filed by D. G. Sweigert. (SWM) (Entered: 12/08/2023)
12/08/2023	36	ORDER granting 31 Motion to Appear pro hac vice. Attorney Tyler M. Layton for PATREON, INC. added. Signed by Magistrate Judge Mario Garcia on 12/8/2023. (KAA) (Entered: 12/08/2023)
12/13/2023	38	NOTICE regarding extension of time to file answer, filed by Plaintiff D.G. SWEIGERT (LF) (Additional attachment(s) added on 12/18/2023: # 1 Certificate of Service) (LF). (Entered: 12/18/2023)
12/14/2023	37	STIPULATION to Extend Responsive Pleading Deadline, re 13 Amended Complaint, filed by Defendant PATREON, INC.. (Layton, Tyler) (Entered: 12/14/2023)

12/19/2023	39	STIPULATION <i>To Extend Defendant's Responsive Pleading Deadline to February 2, 2024</i> , filed by Defendant PATREON, INC.. (Layton, Tyler) (Entered: 12/19/2023)
12/29/2023	41	ORDER SETTING PRO SE INITIAL PRE-TRIAL CONFERENCE - The above case is hereby assigned for a TELEPHONIC INITIAL PRETRIAL CONFERENCE on Monday, March 25, 2024 at 2:30 p.m. (Eastern), before the Honorable Mario Garcia, United States Magistrate Judge. The parties shall attend the conference by using the following call-in information: 866-434-5269, Access Code 1040400, Security Code 231228. SEE ORDER. Copy to Parties via US Mail. Signed by Magistrate Judge Mario Garcia on 12/29/2023.(AAS) (Entered: 01/02/2024)
01/02/2024	40	ORDER - Upon consideration of the parties' Stipulations to Extend Defendant Patreon Inc.'s Responsive Pleading Deadlines (Dkts. 37 and 39) the Court hereby ORDERS as follows: Defendant Patreon, Inc.'s responsive pleading to Plaintiff D.G. Sweigert's Amended Complaint for Damages, filed November 11, 2023 Dkt. No. 13 , shall be filed on or before February 2, 2024. Copy to Parties via US Mail. Signed by Magistrate Judge Mario Garcia on 01/02/2024.(AAS) (Entered: 01/02/2024)
01/07/2024	42	Third MOTION for Judicial Notice, filed by Plaintiff D.G. SWEIGERT. (KAA) (Entered: 01/08/2024)
01/07/2024	43	CERTIFICATE OF SERVICE by D.G. SWEIGERT re 42 Third MOTION for Judicial Notice. (KAA) (Entered: 01/08/2024)
01/15/2024	44	CERTIFICATE OF SERVICE of Amended Complaint and Summons by D.G. SWEIGERT (LBT) (Entered: 01/16/2024)
01/19/2024	45	Order on Various Motions - The existing motions, (ECF Nos. 18 , 21 , 28 , 30 , and 42), are denied, except insofar as the Court takes judicial notice of the Parties' litigation history in other courts. The operative Amended Complaint, (ECF No. 13), is dismissed without prejudice for failure to comply with Rule 8. Fed. R. Civ. P. 8(a). That makes the Magistrate Judge's Order extending Patreon's Answer deadline, (ECF No. 40), moot, because there is now no Complaint to be answered. The Court will give the Parties a chance to begin again. Sweigert is given until 4:00 p.m. Friday, February 02, 2024, to file a motion titled "Motion for Leave to File Second Amended Complaint." That Motion should contain only: (See Order.) Signed by Judge James R. Sweeney II on 1/19/2024. Copies distributed pursuant to distribution list. (JSR) (Entered: 01/19/2024)
01/20/2024	46	NOTICE OF APPEAL as to 45 Order on Motion; Order on Motion to Stay, filed by Plaintiff D.G. SWEIGERT. (No fee paid with this filing) (JSR) (Entered: 01/22/2024)
01/22/2024	47	PARTIES' SHORT RECORD re 46 Notice of Appeal - Instructions for Attorneys/Parties attached. (Copy to appellant via US Mail.) (KAA) (Entered: 01/22/2024)

Case #: 1:23-cv-01228-JRS-MG